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September 2, 2020

Via ECF

Hon. Barbara Moses, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: Francisco Bautista v. Venture 2275 et al
Case No.: 19-cv-916 (AJN) (BCM)

Your Honor:

We represent the Plaintiff Francisco Bautista in the above-referenced case brought against Defendants Venture 2275 and Andy Nisthalal s/h/a Anthony Nisthalal (collectively as "Defendants"). Pursuant to the Court's Orders [DE 79, 81], we write, jointly with defense counsel, to advise that the parties have agreed to the proposed settlement outlined in their Cheeks Motion, dated July 20, 2020, with the express understanding that Plaintiff's counsel's fees and expenses are limited to "\$19,566.67 (1/3 of the total settlement consideration plus the \$400 filing fee), with the balance going to the plaintiff on whose behalf the suit was brought."

It is the parties' understanding that this letter is sufficient to have the settlement agreement approved under these terms. Indeed, it does not change the total settlement payout and simply results in Plaintiff obtaining a higher share of the proceeds. We ask that the Court advise us if it requires any subsequent submissions, including an amended settlement agreement.

The settlement agreement, as modified to limit plaintiff's counsel's fees and expenses to \$19,566.67, is APPROVED. It is hereby ORDERED that this action is DISMISSED with prejudice and without costs. The Clerk of Court is respectfully directed to close the case. SO ORDERED.

Barbara Moses, U.S.M.J.
September 3, 2020

Respectfully submitted,

/s/ Louis M. Leon
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